

March 19, 2015

- Commissioner **Pontz** was in China since she was last here. She noted that they lacked natural resources, adding that we are incredibly fortunate that we are to have such a rich natural resource base and dedicated professionals in preserving that, and that we should also be aware of the fact that we have this process to engage people in the management of natural resources.
- Commissioner **Nichols** appreciates the time the audience has taken to be here to testify.
- Chairman **Matonich** attended Gaylord all staff meeting, Lansing MTACS ORV Workgroup sub-committee meeting, he also attended the joint Citizens Advisory Council meeting of the West UP and East UP. These were great meetings with great ideas.

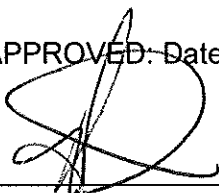
Next Meeting

Chairman **Matonich** announced that the next meeting of the NRC is scheduled for Thursday, April 9, 2015, at the MSU Diagnostic Center for Population and Animal Health, 4125 Beaumont Road, Lansing. Committees meeting in April will be the NRC Policy Committee on Wildlife and Fisheries, and the Michigan State Parks Advisory Committee.

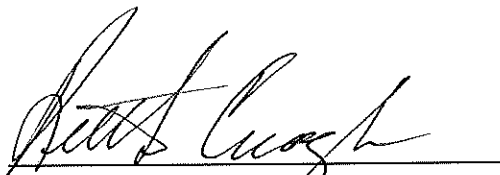
Adjournment

Commissioner **Nichols** made a motion to adjourn. Commissioner **Schlaybaugh** seconded, and the meeting was adjourned at 8:36 p.m.

APPROVED: Date: 4/9/15



John Matonich, NRC Chairman



Keith Creagh, DNR Director

MINUTES

NATURAL RESOURCES COMMISSION

March 19, 2015

Ralph A. MacMullan Center

104 Conservation Drive, Roscommon, MI 48653

Present for the Natural Resources Commission

John Matonich, chair
J.R. Richardson, vice-chair
Vicki Pontz
Tim Nichols
Rex Schlaybaugh

Present for DNR Staff

Keith Creagh, DNR director
Marc Miller, DNR regional initiatives deputy
Dennis Knapp, DNR chief of staff
Stacy Welling Haughey, DNR UP regional coordinator
Pam Stevenson, legal counsel, Office of the Attorney General
Cheryl Nelson, executive assistant to the NRC
Other department staff

COMMITTEE OF THE WHOLE

Chairman John Matonich called the Committee of the Whole meeting to order at 3:10 p.m.

Dam Management Grant Program Award Fisheries division chief **Jim Dexter** announced results of 2015 Dam Grant Management Program Awards. They include Big Creek Dam in Crawford county, Otsego Dam in Allegan county, Niles Dam in Berrien county, and Union Springs Dam in Ontonagon county. There is \$350,000 in general fund dollars for these awards. Creagh added that Fisheries does a great job to prioritize the risks and opportunities and they are doing a great job to open up additional fisheries in the state.

Michigan Invasive Species Grants Program Dr. Tammy Newcomb provided an update on the \$4,065,000 Michigan Invasive Species Grants awarded to partner groups to detect, prevent, manage and eradicate invasive species in the water and on the land in Michigan.

U.S. Forest Service and Department of Interior Update Dr. Newcomb spoke about the recent trip she took with director **Creagh** and **Ron Olson**, chief of Parks and Recreation to Washington, D.C. They visited with members of Congress and the U.S. Fish and Wildlife Service. **Newcomb** spoke with these officials about the urgent need to respond to the threat of

invasive species. **Olson** spoke with federal officials about creating a conservation district in southeast Michigan, and Michigan's summer youth employment initiative.

Parks and Trail Update **Olson** provided a draft of the Iron Belle Trail brochure to the commission.

Olson also noted that the department has received advice from the Attorney General's office regarding the inquiries from the Ludington marina operators. They note that the department is and has been operating lawfully to permit the ability to have commercial uses in marinas and for recreational boating as provided for in the funding streams. Authority does rest with the director, with delegated authority to the Parks and Recreation chief with an advisory role from the Waterways Commission as well as the NRC.

Olson added that **Anna Sylvester** from the Parks and Recreation division received a catalyst award from the Michigan Horse Council.

Silver Lake ORV Update **Ron Olson** shared that a final meeting was held and the system and plan are in place, the department will only have vouchers for parking area.

All Employee Meetings **Director Creagh** provided an update on the six statewide meetings held so far, noting what they are discussing with staff. **Matonich** added that the information shared is excellent and that there has been good interaction with staff, that this is a good experience.

Moose Survey **Russ Mason**, chief of the Wildlife division shared that each year the division comes before the commission to make a recommendation on if there should be a moose hunt. Although the survey numbers were good, there was a significant drop in the number of moose to 323 animals. The department does not recommend consideration of a moose hunt at this time.

Fiscal Year 2015 Game & Fish Fund Adjustments **Erik Eklund** from Finance and Operations division told the commission about adjustments to the department budget for fiscal year 2015.

Graymont Update **Bill O'Neill/Steve Sutton** reviewed the history of the Graymont land transaction application. Among other things, **O'Neill** talked about the changes between the first Graymont proposal in November 2013 to the one approved by the director today. The company initially sought to purchase 10,280 acres of surface land from the state. In the current proposal, the company will buy 1,781 acres, exchange 830 acres and buy 7,026 acres of underground mineral rights, with the surface acreage on those undergrounds rights remaining in public ownership. The original royalty rate was 18.75 cents per ton of limestone mined, the final proposal was 30 cents per ton. That rate will adjust upward according to the Producer Price Index, but it will never fall below 30 cents per ton. The final proposal provides public access,

public input on land use by Graymont and consideration in the purchase cost of timber value and non-limestone mineral rights. O'Neill also talked about the many opportunities and avenues for public input that existed throughout the process.

Legislative Report **Trevor VanDyke**, Legislative and Legal Affairs Office Director, provided a written report of legislation related to the department. In addition to the written report, chief of staff **Dennis Knapp** provided updates on recent legislative highlights.

Partners in Conservation Award **Ron Olson** presented the Partners in Conservation award to **Mr. Brian Price** recently retired executive director of the Leelanau Conservancy.

PUBLIC APPEARANCES

(**Stacy Welling Haughey** read the official timekeeping procedures and guidelines for the meeting's public appearances which began at 4:15 p.m.)

Kathy English came to speak in opposition for the Graymont proposal. She urges the director to listen to the majority of the people in the Rexton area and just say "no."

Al English shared his thoughts regarding his opposition to the Graymont proposal.

Mike Thorman, Michigan Hunting Dog Federation and **Tim Dusterwinkle**, President, Michigan Bear Hunters Association support the proposed reduction of bear license quotas. He noted that most indicators show there has been a drop in bear population. **Thorman** notes that the Wildlife division is excellent to work with on all the issues. His group strongly supports the proposed reduction of bear license quotas. He urges all to think about the future, the youth, and what we leave behind. **Thorman** also added that he does not believe there has been significant deer depredation by bears in the Upper Peninsula. He asked for support from the commission to move the starting season date away from the youth deer hunt.

Nancy Hudson, of the UP Bear Houndsmen said their number one priority is to support the reduction of bear tags in the Upper Peninsula. She added that there are very few fawns being killed by black bear.

Joe Hudson, also of the UP Bear Houndsmen supports the reduction of bear tags in the Upper Peninsula. He appreciates the department making decisions using sound science.

Steve Hanel, from Afton came to discuss bear regulations. He feels bears are mis-managed in the Red Oak bear management unit (BMU). He mentioned a declining bear population and feels that the Red Oak BMU is too large to be managed as one BMU. He would like to see the Red Oak split into three units, cut the number of bear tags and get the bear numbers back up to normal.

Brett Hopp, came to discuss bear regulations. His opinion is that the black bear population in the Northern Lower Peninsula and Eastern Upper Peninsula has been mis-managed. He does not feel there are an excess of bear in the Red Oak unit. **Hopp** also feels that talking with avid hunters is a good way to get the actual bear population information. Supports the regulations as proposed.

Scott Danek, Fish Forever United, came to discuss bass regulations. He shared facts and figures from various studies and does not feel this is a good proposal as written.

Mike Danek, does not feel the bass proposal is good for the state fisheries as written.

Amy Trotter, MUCC, spoke regarding the bear regulations saying that MUCC is in agreement with the proposal to reduce bear license quotas. Concerning the bass regulations, MUCC membership supported looking at expanding harvest opportunities, year round catch and immediate release. The original Option C is supported by MUCC. They would like to see some test lakes and do some research. Look and both harvest and delayed catch and release to compare and give us a better look at what we are testing.

Frank Corl, president of the Downriver Bass Association, a non-tournament club that practices catch and immediate release since formation 38 years prior, talked about destruction of nests with catch with delayed release and its consequences. He stated that he does not believe it is good for fisheries and that we should protect Michigan's lake ecology and fishery health for all the people of Michigan.

Rod Fodor stated that Michigan has excellent fishing. He shared a handout which was a scientific study on how Ohio handles catch and keep/release and seasons. He opposes the changes to the bass regulations.

Kim and Danny Stricker, are hosts of a weekly national television show, Hook n Look. He previously sent in video which was forwarded to the commissioners. They capture and document the ecosystem firsthand and encourage the protection of the ecosystem. They do not feel there should be any additional catch and release opportunity. They are advocates of catch and immediate release.

Lydia Lohrer, outdoor writer for Detroit Free Press, came before the commission to discuss bass regulations. She stated that there is a lack of data, mentioned her findings that there is a potential downside to the liberalization of regulations. Suggests considering your sources.

Wolfgang Lohrer is a part of the Youth Conservation Council and he wants to provide a solution. He talked about tournament anglers, catch, weigh, and immediate release, and discussed using technologies. He believes that scoretracking technology is the future for bass

fishing and tournaments, there is no risk to the fish. Nichols and Richardson thanked him for sharing the information and being a part of the council.

Bruce Yinger, came to share his feelings regarding bass regulations. He supports catch and immediate release, but does not like catch and delayed release. Concerned with fish being hauled from one body of water to another. He likes to see the designating of some lakes for research.

Dan Kimmel, Michigan BASS Nation, is dedicated to preserving and promoting bass fishing. Majority of the anglers want more bass fishing, and catch and immediate release. Bass season has gotten better with the changes that have been added over the years. He wants to see scientific management of the resources, not on social issues.

Gary Towns former DNR Fisheries manager talked about the 2004 study and that he promotes more fishing opportunity when he can. The study shows that there are less risky alternatives than catch and delayed release including the larger tournaments using photographic evidence and catch and immediate release. Recommends allowing catch and release fishing all year long.

Dave Reault, The Bass Federation of Michigan, supports the original option 4 and they are supporters of scientific management.

Tom Matych came to discuss Asian carp and what does and does not work to keep the carp down. He believes that commercial fishing processing plants don't want Asian carp killed. Talked about his proposal in December, try to get some information from CD.

Jefferson Henry and Raymond Karboske came to address the commission regarding issues in the Ludington marina. Karboske read from the May 7, 2009 minutes, page 47, department, noting who has the authority over the marinas. They specifically are talking about the city of Ludington marina where they feel the law is being violated. Harbor of refuge cannot interfere with public purpose. They want the commission and the director to enact an order notifying those commercial watercraft to move as defined by Michigan Law. Matonich adds that the commission has no authority to statutorily to assist them. Henry asks that the commission to advise the director.

Al Garavaglia supervisor in Hudson Township, came to share that the township board has fully approved the Graymont transaction.

Marvin Roberson wants the department to take an additional thirty days to act on the Graymont application. He feels that this gives the public and the department more opportunity to read and digest all new information before it gets acted upon.

Lester Livermore, chairman of the Mackinac County Road Commission, thanked **O'Neill** and staff for thorough process used to approve the Graymont recommendation to the director. Economic, environmental and social aspects have been looked at. He would like the director to approve this application.

Karen and David Kovacich came to share their concerns about the effects on Wilwin Lodge if the Graymont application is approved. They talked about the possible effects on soldiers with PTSD. As a homeowner, they would not like mining allowed in the Trout Lake area. They do not believe that reclamation will work, hunting and wildlife will not be the same. **Mrs. Kovacich** thinks this is going to oust people from their homes. They would like to ask for an additional thirty days for the public to digest this latest change to the application. **Mr. Kovacich** adds that this is a bad decision. He asked the director to go back to the drawing board, moving into workable sections. If they perform well on one section, they can move to another section. He asks that the department not give up control by giving this up entirely in one shot. **Creagh** adds that under the latest proposal no mining can occur on Tract C without the approval of the neighbors and will not negatively affect the Wilwin Lodge.

Roger Quist came before the commission to share some comments on Graymont. He is against the application as it stands. He noted some specifics on each tract. Director **Creagh** suggested that he speak with **O'Neill** as most of his issues have been addressed.

Paul Stoll, Jr. came to speak in favor of the Graymont application. He appreciates the process and believes that it has made the Graymont proposal better. He noted that the Community fund would be operated by a board of community leaders, so money would be spent according to what the board decides.

Martin Meyer stated that bass culling/targeting is illegal by law and that there is improper discretion of the law, he does not think DNR officers are not following the law. Fishermen need to follow the law and this needs to be done before tournament season begins.

Mathew T. Meyer made a call into the RAP line for illegal hunting blinds on his property, and it took 11 days for response. He feels more resources are needed, that 11 days is not acceptable and he would like more than one conservation officer per county.

Don Meyer came to discuss bass regulations. Talked about tournaments and questioned if the participants know the Michigan laws. They should follow Michigan law. He also discussed targeted fishing, culling, and catch and immediate release. Agrees that bass should not be taken off the beds.

Jim Felgenauer came to speak regarding bass regulations and that the Scientific Fish and Wildlife Conservation Act is about the process. He suggests that the commission rely on the biologists and is glad to hear that the commission is making sound scientific decisions. He

believes that the process is good and works well. **Felgenauer** adds that the commission should be transparent, use sound science, and stand up to scrutiny. **Felgenauer** has confidence in the commission and their ability to make good decisions.

Walter Walchak talked about hooking and jerking bass during tournaments. He has watched the fishery in Lake St. Clair grow. He told the commission that they have a responsibility to take care of the natural resources. What we have now is working, he suggests that it be left alone. He also voiced that he is against the Graymont proposal.

Devon Derusha came to speak in favor of Graymont project. He talked about Rexton as a community in general, history, etc. The project has already brought good to the community. There will be funding for schools, businesses, and the entire community. There are many benefits to the community with the Graymont proposal.

Richard P. Smith came before the commission to discuss bear regulations. He notes that he has studied bears for many years, and that there is sound science in the information he supplied for the commission. He does not think we should lower bear license quotas, adding that the bear population in the Upper Peninsula has been underestimated.

Matthew Novak supports option 4 of the proposed bass regulations. He believes that the quality of fishing in the Northern Lower Peninsula has greatly improved.

James Shugar from Indian River came to talk about bear quotas. Bear numbers in his area are way down. He asks the commission to consider a multi-study area in Red Oak BMU. He invited the commission to come see this area.

Tonya Emerson spoke on the Graymont proposal noting that she has many concerns with the land transfer. She adds that Graymont cannot promise that there will be no land or residential damages. Her strongest concern is the destruction of the earth. Emerson feels that this is an injustice for the residents of the Upper Peninsula.

Robert Spokaeski feels he is being let down by the state of Michigan and is in opposition of the Graymont proposal.

Pamela Spokaeski had comments regarding Graymont shared by her husband which include that her passion for the Upper Peninsula is strong. Nothing will be the same and this is discrimination of property owners of the area. She doesn't think the department would do this in a more largely populated area.

Art and Dorothy Mills came to speak in opposition of Graymont. They still haven't given up hope for a denial. They do understand the need for jobs in the Upper Peninsula, but they

shouldn't come at the cost of selling and destroying land. They do not want the transaction to take place.

Sid Rhodes came to discuss field trial land in Gladwin County, and he believes it is in violation of Public Act 451 by not allowing hunting. One of the conditions of that property was set by legislative action public act 82 of 1947. **Mr. Rhodes** was pointed to **Bill O'Neill** for assistance.

Jeff Hanel and Jim Shephard came to discuss bear regulations in the Red Oak BMU, noting that bear numbers seem to be increasingly down. They think that Red Oak could be split and that bear tag numbers should be cut more.

William McNeight from Emmett County came to discuss bear regulations in the Red Oak BMU, where he feels that tags need to be reduced.

Jeff Dishaw came to discuss the Graymont project and is in favor of it. He added that it creates huge opportunities for the young people to stay in the area, along with advantages to fire departments, schools, and businesses.

Angie McArthur came to speak in favor of the Graymont proposal. She adds that Graymont will be an excellent corporate neighbor and that they have already shown an investment in the community. McArthur asks that Creagh approve the project so they can start seeing the positive impacts.

Mark Livermore came to express his support for the Graymont project and welcomes them as a neighbor.

John Townley came to share his opinions in favor of the Graymont project and believes this is a step in the right direction.

Rebecca Boley came to speak in favor of the Graymont proposal.

Stanley Ellis from Trout Lake made an appearance before the commission to share that there are also many persons in Trout Lake who support the Graymont project.

Dr. Phil Bellfy discussed the 1836 treaty and the Graymont proposal. He has applied for temporary restraining order against the department challenging the state's right to sell this land. He thinks that this process should be delayed for at least thirty days.

Paul Sacks came before the commission to discuss the bass regulations. He noted that of the general public, 75-80% are all species fisherman who have signed the petition brought forward by Dan Kimmel. He is in opposition of catch and delayed release.

Dick Pershinske represents several organizations that have sent letters of support for the Graymont proposal. He also adds that the department staff has done a tremendous job and that Graymont has done due diligence. He stated that this is a great opportunity for the people of the area.

Diane Patrick representing the Mackinac County Board of Commissioners, noted that the board supports the Graymont project.

James Hill chairman of Mackinac County Board of Commissioners came before the commission to extend his thanks to all. The project has the unanimous support of the Board.

Chairman Matonich adjourned the public appearances portion of the meeting at 8:23 p.m. and called to order the regular meeting of the NRC at 8:24 p.m. He noted that all commissioners who were present at the Committee of the Whole were present for the regular meeting.

REGULAR MEETING OF THE NATURAL RESOURCES COMMISSION

FOR INFORMATION ONLY NATURAL RESOURCES COMMISSION

NRC Policy Review Recommendations

Bear Regulations and License Quotas, Wildlife Conservation Order No. 2 of 2015

Fisheries Order 200.15A Statewide Trout, Salmon, Whitefish, Lake Herring, and Smelt Regulations

Fisheries Order 202.15 Special Hook Size Fishing Regulations

Fisheries Order 204.15 Spawning Closures

Fisheries Order 206.15 Special Fishing Regulations for Warmwater Species on Select Waters

Fisheries Order 215.15 Statewide Coolwater Regulations for Largemouth Bass, Smallmouth Bass, Northern Pike, Walleye, Muskellunge, Channel Catfish, Flathead Catfish, Yellow Perch, Sunfishes and White Bass

Fisheries Order 249.15 Crayfish Regulations

NATURAL RESOURCES COMMISSION ACTION ITEMS

Approval of Minutes, February 12, 2015 Natural Resources Commission Meeting

Commissioner **Nichols** made a motion that the minutes of the February 12, 2015, NRC meeting be approved. Commissioner **Schlaybaugh** supported the motion. **Matonich** called for discussion, there being none, a vote was taken and the motion carried unanimously.

DIRECTOR – FOR INFORMATION ONLY AND ACTION ITEMS

Director **Creagh** listed the “for information only” items noted on the agenda.

Director **Creagh** then listed the “Director’s Action” items noted on the agenda and indicated that he would approve all items. He did include some comments regarding the Graymont proposal/application. He noted that this land transaction application (LTA) process has been open and transparent, involving multiple opportunities and avenues for public input. There have been significant changes to the proposal since the initial LTA, those changes have been the result of input from the public that have helped improve protections for natural resources and expanded public access in the application. The public and the department will continue to have a voice in land use issues as identified in the LTA. **Creagh** also talked about concerns and resolutions, and noted that he is proud of the work the staff has put into this proposal.

COMMITTEE REPORTS

NRC Marketing, Partnership, Youth and Outreach Committee

Commissioner **Nichols** stated that they are looking for new outreach groups, individuals that want to help the department market and move forward with activities of the commission. If you are interested, please contact Commissioner **Nichols**.

NRC Policy Committee on Wildlife and Fisheries

Commissioner **Schlaybaugh** shared that most of the discussion during the committee centered on the bass order, bear quotas, and an update on the deer management plan.

COMMISSIONER REPORTS

- **Commissioner** Schlaybaugh attended last meeting of conservation coalition where he provided an update on fisheries and wildlife issues.
- Commissioner **Richardson** attended Whitetails of Marquette, MUCC meeting in Munising, Bear Houndsmen meeting, Walleyes for Tomorrow, and will be attending the annual Michigan Bear Hunter Conference in Traverse City this weekend.